

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

TIMOTHY D. EYTON,

Plaintiff,

V.

STEELE COLLISION, INC. AND JAY A.
STEELE,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No.: CIV. 11-5080

NOTICE OF DISMISSAL

PLEASE TAKE NOTICE THAT the plaintiff in the above-captioned action, hereby dismisses this action, including plaintiff's complaint, on its merits, with prejudice, and without costs or further notice to the parties. No answer or motion for summary judgment has been filed by the defendants and this notice is made pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Dated this 30th day of December, 2011

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By: /s/ Rebecca L. Mann

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CERTIFICATE OF SERVICE

I hereby certify on December 30, 2011, a true and correct copy of Notice of Dismissal was served in the manner set forth below

X U.S. Mail
Overnight Delivery
Hand Delivery
Facsimile

upon the following individuals:

Tracy L. Kelley
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Custer, SD 57730-0552
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By: /s/Rebecca L. Mann
Rebecca L. Mann